

percent with some 71 million U.S. Households owning their own home. However, too many working families in low- and moderate-income neighborhoods and minorities across our Nation have not been able to share in this piece of the American Dream due to the high cost or lack of available housing.

According to Census data for the second quarter of 2002, non-Hispanic whites have a 74.3 percent homeownership rate while minority groups have just a 53.7 percent homeownership rate. African-Americans have only a 48 percent homeownership rate and Hispanics have a mere 47.6 percent homeownership rate in the same study. These numbers are unacceptable.

Many middle-income working families increasingly struggle to either find or afford a median-priced home in our Nation's cities. Over the past two generations, many families have moved out of cities and into the suburbs, which has had a negative effect on the development of housing in the inner-city. In 1999, the homeownership rate in the central-city areas was 50.4 percent, this is 23.2 percent lower than the suburban homeownership rate of 73.6 percent. Today, developers are unlikely to invest in any new housing development in inner-cities and rural areas that may not be sold for the cost of construction. This is especially true in low-income areas. There is a lack of affordable single-family housing in areas where a majority of residents are minority families. Properties will sit vacant and neighborhoods will remain undeveloped unless the gap between development costs and market prices can be filled.

Working families in this country are increasingly finding themselves unable to afford housing. A person trying to live in Boston would have to make more than \$35,000, annually, just to rent a two-bedroom apartment. This means teachers, janitors, social workers, police officers and other full-time workers are having trouble affording even a modest two-bedroom apartment when they should have a chance to buy a home.

The story of Benjamin and Rita Okafor show how working families in Massachusetts have great difficulty obtaining a decent home of their own. For many years, the Okafor's and their two young children were forced to live in a one-bedroom apartment. Benjamin Okafor, who worked full time as a cab driver in Boston, spent days and months looking for a bigger apartment for his family. However, the lack of affordable housing in the Boston area made it impossible for him to find appropriate housing for his family. When his wife Rita became pregnant with their third child, the Okafor's knew something had to change in their living situation. Luckily, Ben was accepted into the Habitat for Humanity program and worked for 300 sweat equity hours constructing a house. In August 2000, the Okafor family moved into a new

home of their own in Dorchester. Ben says that this new home gives them the hope and stability they need. There are still too many working families living in substandard housing and many more families that desperately need assistance from Habitat for Humanity or from the Federal government to become a homeowner.

Today, our Nation is facing an affordable rental housing crisis. Thousands of low-income families with children, the disabled, and the elderly are finding it difficult to obtain or afford privately owned affordable rental housing units. Recent changes in the housing market have limited the availability of affordable housing across the country, while the growth in our economy in the last decade has dramatically increased the cost of the housing that remains. Moving thousands of working families from apartments to homes each year will help ease our rental housing crisis and help many families now living in substandard housing increase their quality of life.

By facing the mounting challenge of affordable housing we can dramatically assist in the economic development low- and moderate-income communities across our country. The production of new homes will create millions of jobs in the inner city and rural areas where unemployment has been for too long fact of life. The production of housing has always been considered a driver of economic growth in our economy. New housing production can turn many low income communities around and help end the spiral of unemployment and crime which plague too many of our inner cities today.

For these reasons, we need a new tax incentive for developers to build affordable homes in distressed areas to allow working families to buy their first home at a reasonable rate.

The Community Development Tax Credit Act, which I am introducing today, bridges the gap between development costs and market value to enable the development of new or refurbished homes in these areas to blossom. The tax credit would be available to developers or investors that build or substantially rehabilitate homes for sale to low- or moderate-income buyers in low-income areas. The credit would generate equity investment sufficient to cover the gap between the cost of development and the price at which the home can be sold to an eligible buyer.

The tax credit volume would be limited to \$1.75 per capita for each State and allocated by the States themselves. Credits would be claimed over five years, starting when homes are sold. This legislation will result in approximately 50,000 homes built or refurbished annually, assuming about \$40,000 per home.

The maximum tax credit equals 50 percent of the cost of construction, substantial rehabilitation, and building acquisition. The eligible cost may not exceed the Federal Housing Administration single-family mortgage limits.

The minimum rehabilitation cost is \$25,000. Eligible building acquisition costs are limited to one-half of rehabilitation costs. States will allocate only the level of tax credits necessary for financial feasibility. Ten percent of the available credit will be set aside for nonprofit organizations.

The eligible areas for the tax credit are defined as Census Tracts with median income below 80 percent of the area or state median. Rural areas that are currently eligible for USDA housing programs will be eligible for the tax credit. Indian tribal lands will be eligible for the tax credit. State-identified areas of chronic economic distress will be eligible for the tax credit, subject to disapproval by the Department of Housing and Urban Development.

Those eligible to buy homes built or refurbished using the tax credit include: individuals with incomes up to 80 percent of the area or state median and up to 100 percent of area median income in low-income/high-poverty Census Tracts.

Individual states will write plans for allocating the tax credits using the following selection criteria: contribution of the development to community stability and revitalization; community and local government support; need for homeownership development in the area; sponsor capability; and the long-term sustainability of the project as owner-occupied residences. Individual developers along with investors then can apply to the State to be awarded a tax credit for developing a property in a low- or moderate-income area. If chosen by the State, investors can start to claim the tax credits as the homes are sold to eligible buyers. They can continue to claim the tax credit over five years. Investors are not subject to recapture. If the home owner sold the residence within five years, a scale would determine the percentage of the gain would be recaptured by the Federal Government. In the first two years, 100 percent of the gain and 80, 70 and 60 percent in the third, fourth, and fifth years, respectively would be recaptured.

This legislation is supported by the U.S. Conference of Mayors, Fannie Mae, Freddie Mac, the Enterprise Foundation, Local Initiatives Support Coalition, Mortgage Bankers Association of America, National Association of Home Builders, National Low Income Housing Coalition, National Association of Local Housing Finance Agencies, National Association of Realtors, National Council of La Raza, National Hispanic Housing Conference, Habitat for Humanity International and others.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 342—COMMEMORATING THE LIFE AND WORK OF STEPHEN E. AMBROSE

Ms. LANDRIEU (for herself, Mr. STEVENS, Mr. BREAUX, Mr. KOHL, Mr. LOTT,

Mr. FEINGOLD, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 342

Whereas Stephen E. Ambrose dedicated his life to telling the story of America;

Whereas Stephen Ambrose's 36 books form a body of work that has educated and inspired the people of this Nation;

Whereas President Bill Clinton awarded Stephen Ambrose the National Humanities Medal for his contribution to American historical understanding;

Whereas Stephen Ambrose made history accessible to all people and had an unprecedented 3 works on the New York Times Best-sellers list simultaneously;

Whereas Stephen Ambrose served as Honorary Chairman of the National Council of the Lewis and Clark Bicentennial and lent his name, time, and resources to innumerable other philanthropic endeavors;

Whereas Stephen Ambrose committed himself to understanding the personal histories of the men and women often referred to as the "greatest generation";

Whereas Stephen Ambrose's groundbreaking work on the history of World War II and the D-day invasion culminated in the National D-Day Museum in New Orleans; and

Whereas all Americans appreciate the contribution Stephen Ambrose has made in recapturing the courage, sacrifice, and heroism of the D-day invasion on June 6, 1944: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the death of Stephen E. Ambrose;

(2) expresses its condolences to Stephen Ambrose's wife and 5 children;

(3) salutes the excellence of Stephen Ambrose at capturing the greatness of the American spirit in words; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Stephen Ambrose.

#### SENATE RESOLUTION 343—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN NEWDOW V. EAGEN, ET AL.

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas, Secretary Jeri Thomson and Financial Clerk Timothy Wineman have been named as defendants in the case of *Newdow v. Eagen, et al.*, Case No. 1:02CV01704, now pending in the United States District Court for the District of Columbia; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Secretary Thomson and Mr. Wineman in the case of *Newdow v. Eagen, et al.*

#### SENATE RESOLUTION 344—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN MANSHARDT V. FEDERAL JUDICIAL QUALIFICATIONS COMMITTEE, ET AL.

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 344

Whereas, Senators Dianne Feinstein and Barbara Boxer have been named as defendants in the case of *Manhardt v. Federal Judicial Qualifications Committee, et al.*, Case No. 02-4484 AHM, now pending in the United States District Court for the Central District of California; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senators Diane Feinstein and Barbara Boxer in the case of *Manhardt v. Federal Judicial Qualifications Committee, et al.*

#### AMENDMENTS SUBMITTED & PROPOSED

SA 4886. Mr. CONRAD (for himself, Mr. DOMENICI, Mr. FEINGOLD, and Mr. GREGG) proposed an amendment to the bill S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

SA 4887. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4888. Mr. REID (for Mr. KOHL) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2621, to amend title 18, United States Code, with respect to consumer product protection.

SA 4889. Mr. REID (for Mr. KOHL) proposed an amendment to the bill S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products.

SA 4890. Mr. REID (for Mr. WYDEN (for himself and Mr. ALLEN)) proposed an amendment to the bill S. 2182, to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes.

#### TEXT OF AMENDMENTS

SA 4886. Mr. CONRAD (for himself, Mr. DOMENICI, Mr. FEINGOLD, and Mr. GREGG) proposed an amendment to the bill S. Res. 304, encouraging the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002; as follows:

Strike all after the resolved clause and insert the following:

That the Senate encourages the Senate Committee on Appropriations to report thirteen, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002.

#### SEC. . . BUDGET ENFORCEMENT.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2003.

(2) EXCEPTION.—Paragraph (1) shall not apply to the enforcement of section 302(f)(2)(B) of the Congressional Budget Act of 1974.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.—

(1) IN GENERAL.—For purposes of Senate enforcement, section 207 of H. Con. Res. 68 (106th Congress, 1st Session) shall be construed as follows:

(A) In subsection (b)(6), by inserting after "paragraph (5)(A)" the following: " , except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available".

(B) In subsection (g), by striking "2002" and inserting "2003".

(2) SCORECARD.—For purposes of enforcing section 207 of House Concurrent Resolution 68 (106th Congress), upon the adoption of this section the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.

(3) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this resolution, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts), a motion, or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this resolution.

SA 4887. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place, relating to the responsibilities of the Directorate of Emergency Preparedness and Response, the following:

( ) Developing plans for ensuring the ability to expeditiously move people and goods to and from densely populated areas and critical infrastructure in the United States in the event of an actual or threatened terrorist attack.

SA 4888. Mr. REID (for Mr. KOHL) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2621, to amend title 18, United States Code, with respect to consumer product protection; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2002".

#### SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or distributor, intentionally tampers with a consumer product